

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Alternative Local Exchange  
Telecommunications Certificate  
No. 7193 issued to King  
Communications & Services, Inc.  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 001494-TX  
ORDER NO. PSC-01-0635-AS-TX  
ISSUED: March 15, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

King Communications & Services, Inc. (King Communications) currently holds Certificate of Public Convenience and Necessity No. 7193, issued by the Commission on December 29, 1999, authorizing the provision of Alternative Local Exchange Telecommunications (ALEC) service. King Communications has not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1999. Also, accrued statutory penalties and interest charges for the years 1999 have not been paid.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and

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applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing ALEC service.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. King Communications was scheduled to remit its RAFs by February 28, 2000.

However, after the docket was opened, King Communications contacted our staff and advised that the 1999 RAFs notice was never received. Mr. Willie Delgado, Treasurer, advised that children had vandalized the mailboxes in the shopping center where this company is located and that this caused many problems with receiving mail. Therefore, Mr. Delgado believes that not receiving the RAFs notice was beyond its control. In addition, Mr. Delgado informed staff that the company is no longer having this problem.

The RAFs rule requires payment even if a company does not receive a RAFs notice. However, we believe it is important for a RAFs notice to be received the first year a company is in business. Although Commission records show that the notice was mailed, we believe that due to the extenuating circumstances, it would serve no purpose to fine the company. Mr. Delgado advised that since he is now aware of this rule, he has proposed to pay future RAFs on a timely basis. Mr. Delgado followed up this promise by paying the 2000 RAF timely.

Due to the extenuating circumstances, we believe that King Communications should be allowed to comply with Commission rules and that it would serve no purpose to fine King Communications. Accordingly, we hereby accept the terms of King Communications' settlement agreement. The Commission is vested jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

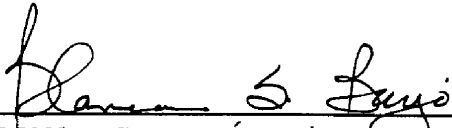
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that King Communications & Services, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

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ORDERED that this Docket is closed.

By ORDER of the Florida Public Service Commission this 15th  
day of March, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee,

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Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.